

DELAWARE STATE BOARD OF EDUCATION

Meeting Minutes DRAFT

2nd Floor Cabinet Room
The Townsend Building
401 Federal Street, Dover, DE 19901

July 18, 2019
5:00 P.M.

Members Present: Nina Lou Bunting; Candice Fifer; Vincent Lofink; Dr. Audrey Noble; Provey Powell, Jr.; Wali Rushdan, II; Whitney Sweeney; and Lea Wainwright.

Members Absent: Dorcas Olatunji

Others Present: Rae Mims, Deputy Attorney General, representing the SBE; Dr. Susan Bunting, SBE Executive Secretary and Secretary of Education; Jenna Ahner, SBE Executive Director; Dawn McHugh, SBE Administrative Assistant; Leroy Travers, DDOE; Emily Cunningham, DDOE; Shana Payne, DDOE; Kendall Massett, DCSN; Deb Stevens, DSEA; Jenn Smith, DSEA; Denise Parks, Odyssey Charter School; Riccardo Stoeckicht, Odyssey Charter School; Tami Soltow, Odyssey Charter School; Katie Manley, Odyssey Charter School; Kevin Ohlandt; Elias Rigas, Odyssey Charter School; Josiah Wolcott, Odyssey Charter School.

I. Opening

- A. Call to Order: Ms. Sweeney called the meeting to order at 5:00 p.m.
- B. Roll Call

Ms. McHugh conducted roll call for the meeting with eight members present (Bunting, Fifer, Lofink, Noble, Powell, Rushdan, Sweeney and Wainwright).

- C. Approval of Agenda

A motion was made by Mrs. Bunting and seconded by Mr. Lofink to approve the July 18, 2019 agenda as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

- D. Approval of Regular Meeting Minutes for June 20, 2019

A motion was made by Mr. Lofink and seconded by Dr. Noble to approve the June 20, 2019 minutes as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

- E. Approval of Executive Session Meeting Minutes for June 20, 2019

A motion was made by Ms. Fifer and seconded by Mr. Powell to approve the June 20, 2019 Executive Session minutes as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

II. State Board Business

A. Committee Reports

Board members provided updates on recent Board business and committee participation. Ms. Sweeney discussed the recent P-20 Council meeting and updates on the Council's subcommittees. Mrs. Bunting provided information on the State Board's recent strategic planning meeting. Mr. Rushdan provided information on the P-20 Council's Early Literacy subcommittee. Ms. Wainwright shared information on the Delaware School Board Association Boot Camp. Mr. Lofink provided information on a visit to Dickinson High School, attendance at Dr. Gehrt's retirement reception, and attendance at the Odyssey Charter School public hearing. Dr. Noble shared information regarding the Governor's Camp Out held in partnership with DNREC and DDOE. The Department's Literacy Plan was released at the event. Rev. Powell attended the Odyssey Charter School public hearing.

B. Executive Director's Report

Ms. Ahner provided an update on recent activities in her office. Ms. Ahner noted work on the FY19 Annual Report, strategic planning, FY20 budget and planning, P-20 Council Early Literacy subcommittee, the Department of Education's social-emotional learning convening and planning for upcoming CTE subcommittee meetings. She also attended the Education Commission of the States conference.

C. FY19 Annual Report

Ms. Sweeney provided information on the FY19 Annual Report. She shared the following highlights from FY19: the Board welcomed four new voting members, two non-voting members, and a new Executive Director; approved 10 regulations; began rotating meetings throughout the state; contributed to 15 committees; convened the CTE committee; approved the Perkins V Transition Plan, and worked on the P-20 Council and the Council's subcommittees.

D. Election of Vice President for FY20

Ms. Sweeney thanked Dr. Noble for her service as the State Board's Vice President in FY19. Board members thanked Dr. Noble for the experience and perspective that she brings to the role.

A motion was made by Mrs. Bunting and seconded by Mr. Lofink to elect Dr. Noble as Vice President of the State Board of Education for FY20. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

E. State Board of Education FY20 Budget

Ms. Sweeney shared information regarding the Board's discussion on the FY20 budget at the strategic planning meeting held on July 17th.

A motion was made by Mrs. Bunting and seconded by Mr. Lofink to approve the State Board of Education's FY20 Budget as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

III. Secretary's Report

Dr. Bunting provided her report, highlighting the Department's work and visits within the last month.

IV. Presentations

A. Legislative and Budget Update

Emily Cunningham, Chief of Staff/Policy Advisor, Department of Education provided an overview of the FY19 legislative session.

Ms. Cunningham provided information on recently passed legislation, including SB148, HB222, SB78, and SB173. She shared an update on the job description and posting for the Delaware Autism Program.

Board members asked questions regarding the Delaware Autism Program. Members commented on the focus of SB148 and HB222 on increasing teaching and learning for students. Board members suggested working with NASBE to inform next steps regarding SB173.

Ms. Cunningham provided information on bills that did not pass during the session but may be revisited next year.

Mr. Longfellow presented education highlights in the FY20 budget.

Board members asked questions regarding the teacher residency program, loan forgiveness, and the types of funding requested through the Opportunity Funding initiative. Board members also asked questions regarding funding for the Literacy Plan, purchase of care increases, and increases in funding for the SEED scholarship. Board members also asked questions regarding themes and evaluation for the Opportunity Funding initiative.

V. Regulations

A. Department of Education Regulations for Discussion and Action

1. Regulation 917 – Accelerated Academic Programs (For Action)

Ms. Cunningham requested that regulation 917 be stricken from the agenda.

B. DIAA Regulations for Discussion or Action

2. Regulation 1007 – DIAA Sportsmanship (For Action)

Mr. Tommie Neubauer, Executive Director, Delaware Interscholastic Athletic Association, provided an overview of the proposed regulation.

A motion was made by Mr. Rushdan and seconded by Mrs. Bunting to approve Regulation 1007 as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

3. Regulation 1008 – DIAA Junior High and Middle School Interscholastic Athletics (For Action)

Mr. Tommie Neubauer, Executive Director, Delaware Interscholastic Athletic Association, provided an overview of the proposed regulation.

Board members asked questions regarding public comment received, next steps to change regulations regarding coaching out of season, and concerns around student health.

A motion was made by Mr. Rushdan and seconded by Rev. Powell to approve Regulation 1008 as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

4. Regulation 1009-DIAA High School Interscholastic Athletics (For Action)

Mr. Tommie Neubauer, Executive Director, Delaware Interscholastic Athletic Association, provided an overview of the proposed regulation.

Board members asked questions regarding monitoring the outside temperature and ensuring student safety.

A motion was made by Mr. Lofink and seconded by Mr. Rushdan to approve Regulation 1009 as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

C. Department of Education Regulations for Discussion and Action

5. Regulation 292 – Post Secondary Institutions and Degree Granting Institutions of Higher Education (For Action)

Emily Cunningham, Chief of Staff/Policy Advisor, Department of Education and Shana Payne, Director, Office of Higher Education, provided an overview of the regulation with background and context.

Members asked if there are best practices for how states regulate online education and if DDOE has considered what is done in surrounding states and nationally. Board members discussed institutions, such as DeVry University, which are faced with lawsuits and asked how DDOE takes information into account during the renewal process. Board members asked about oversight at the state and national level and DDOE's ability to provide information and resources to protect students. Board members asked if there are student populations that are most at risk, what can be done to more effectively provide information to these populations, and how this information can be communicated.

Board members asked questions regarding the fee authority within this regulation. Ms. Mims provided information on the Delaware Code and stated that the Department does not have authority to include fees within the regulation. Board members discussed the need to gain clarity on the fee structure.

A motion was made by Mrs. Bunting and seconded by Mrs. Fifer to table Regulation 292 as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

D. Public Comments on Regulations

No public comments were received.

VI. Charter Schools

A. Charter School Update

Leroy Travers, Charter School Office, Department of Education, shared that Design Thinking Academy has officially closed. The Charter School Office and the Delaware Charter School Network are working with parents and students to assist in placing students for next school year. Mr. Travers shared information regarding an audit that will be conducted by the Auditor of Accounts.

Board members asked about the audit, the status of the school's grants, and outstanding contracts, obligations, and salaries.

Board members asked about a recent report on federal charter school funding. Information regarding past funding and current grant funding was discussed. Board members asked questions regarding approval of grant awards, oversight of awards, and how high-quality schools are defined.

B. Odyssey Charter School

Mr. Travers and the Board discussed interest in updating the Financial Framework. Ms. Sweeney will serve as the Board's representative on this committee.

Mr. Travers and Mr. Longfellow provided an overview of Odyssey Charter School's formal review.

Secretary Bunting announced that she accepted all recommendations of the Charter School Accountability Committee with the addition of placing Odyssey Charter School on probation until June 30, 2020 and of adding direction around recommendation number three with the following conditions:

- (1) The Board of Odyssey Charter School (OCS) shall act to change its bylaws such that, effective January 1, 2020 or sooner:
 - a. The majority of the OCS Board will be comprised of individuals who are *not* members of the AHEPA family organizations ("AHEPA family" is understood to include the following organizations: AHEPA, Daughters of Penelope, Maids of Athena, and Sons of Pericles), nor are they members of the immediate family of members of the AHEPA family organizations;
 - b. A nominating committee consisting of only the non-AHEPA family OCS Board members nominates potential future non-AHEPA family OCS board members for non-AHEPA family vacancies and will select/appoint them, through a fair and transparent nomination and selection process;
 - c. The AHEPA family may select its members in its own process which may or may not be open to the public and may or may not include individuals who are not members of AHEPA family organizations; *however* AHEPA family members must be appointed by the AHEPA family in a manner that provides gender balance among AHEPA family members;
 - d. OCS board officer positions will be annually nominated from the floor; any OCS board member is eligible to be an officer, and each board member has the equal right to nominate and vote for officers (unless recused due to conflict of interest);
 - e. A process will be established to nominate and elect from the board each year a vice-president/president-elect who serves one year and serves automatically as President the next;
 - f. The office of president will annually rotate between AHEPA family and non-AHEPA family;

- g. Committee members and committee chairs will be selected and approved by the board in a fair and transparent process, and members/chairs are reconfirmed at least annually by the board;
 - h. Any authority previously granted under current Bylaws Article V (Contracts, Checks, Deposits and Funds) Section 1 (Contracts) will be revoked/nullified, and the reconstituted board may grant new authorization if needed;
 - i. The procedure to amend the bylaws will contain a provision to introduce the amendment and vote on the amendment in two separate meetings of the board on different days at least 14 calendar days apart;
 - j. Proposed amendments will be publicized among the OCS Board, staff and parents in writing at least seven days prior to introduction or voting;
 - k. Out-of-state travel funded fully or partially using OCS funds, whether directly paid by OCS, or reimbursed with funds under OCS control, will be approved by the board prior to travel; and
 - l. As a result of the conflict of interest provisions, AHEPA family members are explicitly required to recuse themselves from matters directly impacting AHEPA family organizations.
- (2) By June 30, 2020, OCS shall recover the following sums totaling \$93,085.28 spent in a manner inconsistent with the charter:
- a. \$1,597.59 for the AHEPA Conference in Atlantic City, NJ paid out of OCS funds, and;
 - b. \$91,487.69 used to establish and operate the Ithaca Corporation from OCS funds.
- (3) OCS will undergo an investigatory audit with scope of work approved by the Department of Education and the Office of the Auditor of Accounts at OCS expense with any findings to be repaid as recommended by the Office of the Auditor of Accounts. The auditing firm must be independent of the firm hired for its annual audit and the audit must be completed by January 1, 2020.
- (4) OCS will develop a plan for how to improve communication and trust between the board and the OCS community, including staff and families by March 1, 2020.
- (5) OCS will develop a plan to strengthen the capacity of its Citizens' Budget Oversight Committee and improve access to information by January 1, 2020.
- (6) OCS Board representatives and DOE representatives will meet at least once per month to discuss and evaluate progress toward meeting these conditions, with joint written progress reports to the Secretary of Education and the State Board of Education.

Board members commented on the public comment received in the record of this matter. Members discussed the positive comments regarding the school culture and academic offerings. They discussed AHEPA's commitment and support of Odyssey Charter School and the importance of maintaining these commitments. Board members asked questions regarding the process for renewal and the regular updates that will be provided to the Board.

A motion was made by Dr. Noble and seconded by Mrs. Bunting to assent to the probation and conditions of Odyssey Charter School as presented. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

VII. Formal Public Comment

Denise Parks, Head of School, Odyssey Charter School addressed the Board. Ms. Parks commented on the environment and culture at Odyssey Charter School. She commented on the dedication of the Odyssey Charter School Board, staff, and leadership. She shared that the passion and commitment will continue after today's decision.

Tami Soltow, Parent/Teacher/Board Member, Odyssey Charter School, addressed the Board and stated the importance of the school to students and parents. She thanked the Board for its work and encouraged the Board and the Department to continue to hold the Odyssey Charter School Board accountable.

Josiah Wolcott, Board President, Odyssey Charter School, addressed the Board. He commented on the Board's commitment to transparency and strengthening governance practices. He shared information regarding the Board's compliance committee and the desire to better separate public and non-public funds. Mr. Wolcott also shared the Board's commitment to uniting and strengthening the school.

VIII. Adjournment

A motion to adjourn was made by Mrs. Bunting and seconded by Mr. Rushdan. ***The motion carried*** (7 Yes to 0 No - Bunting, Fifer, Lofink, Noble, Powell, Rushdan, and Sweeney).

The meeting adjourned at 7:00 p.m.

Respectfully Submitted,

Susan S. Bunting, Ed.D.
Executive Secretary and
Secretary of Education